

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Max Brian Phipps,
Plaintiff

vs

Case No. C-1-08-633
(Spiegel, J.; Hogan, M.J.)

Michael J. Astrue,
Commissioner of Social Security,
Defendant

REPORT AND RECOMMENDATION

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's applications for Supplemental Security Income and Disability Insurance Benefits. Plaintiff's action was filed on April 4, 2009 (Doc. 3), and an Answer was filed on June 23, 2009 (Doc. 6).

The Magistrate Judges' General Order Concerning Social Security Appeals requires Plaintiff to file a "Statement of Errors" upon which Plaintiff seeks reversal or remand of the Commissioner's decision within 45 days of service of the Answer and Administrative Record. Plaintiff has failed to comply with this Order.

On August 26, 2009, this Court issued a show cause order for Plaintiff to state in writing why this case should not be dismissed for lack of prosecution. (Doc. 8). As of the date of this report and recommendation, Plaintiff has not responded to that order.

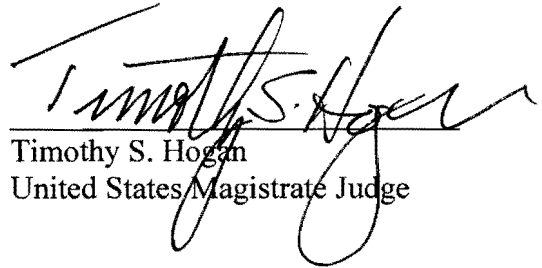
District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962).

IT IS THEREFORE RECOMMENDED THAT:

Plaintiff's action be **DISMISSED** for want of prosecution.

Date:

9/17/09


Timothy S. Hogan
United States Magistrate Judge

**NOTICE TO THE PARTIES REGARDING THE FILING
OF OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten (10) days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen (13) days (excluding intervening Saturdays, Sundays, and legal holidays) in the event this Report is served by mail, and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation are based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).